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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,674	02/18/2004	Yi-Fang Chou	0941-0918P	8543

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EXAMINER	
NGUYEN, HANH N	

ART UNIT	PAPER NUMBER
2834	

NOTIFICATION DATE	DELIVERY MODE
10/22/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/779,674	CHOU ET AL.	
	Examiner	Art Unit	
	HANH N. NGUYEN	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6,7,9-13,17,18 and 20-24* is/are pending in the application.

4a) Of the above claim(s) *1-3,6,7 and 9-11* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12,13,17,18 and 20-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 July 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/16/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 12, 13, 17, 20 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe et al. (JP 8-205450, previously cited).

Regarding claim 12, Watanabe et al. disclose a fan assembly, comprising: a rotor (as seen in Fig. 1, #17); and a fan housing (Fig. 1) having a base to receive the rotor, the fan housing comprising: a main body (Fig. 4, #16); a first section disposed on the main body and having a through hole (Fig. 4a, #25); a second section (as seen in Fig. 4a) disposed on the main body, wherein a gap (Fig. 4a, #35) is formed between the first and second sections; and a fixing portion (the radially innermost portion of the gap) formed in the gap; and a fastening structure (Fig. 4a, #22) passing through the first section via the through hole and having a part with a profile substantially equal to that of the gap for preventing the part from sliding in the gap; wherein the second section prevents one end of the fastening structure from being exposed.

With respect to claim 13, Watanabe teaches the assembly of claim 12 wherein the fixing portion prevents the fastening structure from rotation and limits the position of the fastening structure.

With respect to claim 17, Watanabe teaches the assembly of claim 12, wherein the main body is rectangular (as seen in Fig. 1), and the first and second sections, the fixing portion and the fastening structure are disposed at corners of the main body (as seen in Figs. 1 & 4).

With respect to claim 20, Watanabe teaches the assembly of claim 12, wherein the main body, the first and second sections and the fixing portion are an integral structure. The limitation of the integral structure (Fig. 4a) being formed by injection molding is a method limitation given no patentable weight in an apparatus claim.

Regarding claim 24, Watanabe et al. disclose a fan housing (as seen in Fig. 1) mounted on a frame of a system, comprising: a main body (Fig. 4, #16); a first section of the main body having a through hole (Fig. 4a, #25); a second section disposed on the main body, and having a recess through hole (Fig. 4, #35); and fastening structure passing through the first section via the through hole, and having one end accommodated by the recess (through hole), wherein the second section prevents the one end of the fastening structure from being exposed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 21 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (JP 8-205450, previously cited) in view of Chung (US 5997265).

With respect to claim 21, Watanabe et al. teach the system of claim 12 but it does not explicitly teach a base at a bottom of the main body, wherein a plurality of ribs or stator blades are disposed between the base and the main body for guiding an air flow. However, Chung teaches a fan with a base (Fig. 1, #11) at a bottom of a main body, wherein a plurality of ribs (Fig. 1, #121) or stator blades are disposed between the base and the main body for guiding an air flow. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the fan of Watanabe in view of the base and ribs as taught by Chung because it provides an extremely well known means for attaching a fan motor to its main body for air flow (Chung, Col. 2, Lines 31-35).

With respect to claim 22, Watanabe in view of Chung teaches the system of claim 21, and Chung teaches that the ribs or stator blades have the same inclined angle (as seen in Fig. 1).

3. Claims 18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. in view of Medard (US 4,936,726).

With respect to claim 18, Watanabe et al. disclose all limitations of the claimed invention (please refer to the rejection of claim 12) except showing the part is a hook passing through the through hole and connected to the gap for mounting the fan housing on the frame in the system.

However, Medard discloses a fastening structure to fastening an assembly of sheet metal wherein the fastening structure having a hook passing through the through hole to connect parts together (Fig. 2b) for the purpose of increasing life of fastening structure (Col. 2, lines 1-3).

Since Watanabe et al. and Medard are in the same field of endeavor, the purpose disclosed by Medard would have been recognized in the pertinent art of Watanabe et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Watanabe et al. by using the part is a hook passing through the through hole and connected to the gap for mounting the fan housing on the frame in the system as taught by Medard for the purpose of increasing life of fastening structure.

With respect to claim 23, Watanabe et al. disclose all limitations of the claimed invention (please refer to the rejection of claim 1) except showing the fastening structure is a non-threaded fastening structure.

However, Medard discloses a fastening structure to fastening an assembly of sheet metal wherein the fastening structure is a non-threaded fastening structure (Fig. 2b) for the purpose of increasing life of fastening structure (Col. 2, lines 1-3).

Since Watanabe et al. and Medard are in the same field of endeavor, the purpose disclosed by Medard would have been recognized in the pertinent art of Watanabe et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Watanabe et al. by using a non-threaded fastening structure as taught by Medard for the purpose of increasing life of fastening structure.

Allowable Subject Matter

4. Claims 1-3, 6, 7, 9-11 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, the prior art of record does not show a fan housing as described in claim 1 comprising a second section disposed on the main body, and having a recess aligned with the through hole; a fixing portion formed in a gap formed between the first and second sections: and a fastening structure passing through the first section via the through hole, and having one end accommodated by the recess and a part disposed in the gap and having a profile corresponding to that of the gap; wherein the recess of the second section prevents the one end of the fastening structure from being exposed.

Response to Arguments

6. Applicant's arguments filed on 7/16/2008 have been fully considered but they are not persuasive.

Regarding claim 12, the applicant's argument is on the ground that the reference the Examiner relies on, Watanabe, fails to show "a fastening structure passes through the first section via the through hole and has a part with a profile substantially equal to

that of the gap for preventing the part from sliding in the gap". The Examiner respectfully disagrees with the Applicant because Watanabe clearly shows in Figs. 4 a and 4b a fastening structure (the bolt) passes through the first section via the through hole (25) and has a part (nut) with a profile substantially equal to that of the gap for preventing the part from sliding in the gap.

Regarding claim 23, the applicant's argument is on the ground that it is not obvious to combine Medard to Watanabe because the tube 15 does not comprise the same functionality as the fastening structure of the present invention. The Examiner respectfully disagrees with the Applicant because the tube 15 has the same hook as the fastening structure as shown in Figs. 8a and 8b of the present invention to hold the parts together, therefore, it would be within a level of an ordinary skill in the art to use the tube 15 instead of the fastener 6 of the present invention.

Regarding claim 24, the applicant's argument is on the ground that Watanabe fails to show "a recess is formed in the housing (of the second section) and a fastening structure passes through the first section via the through hole, and has one end accommodated by the recess (of the second section) and a part disposed in the gap and having a profile corresponding to that of the gap, as recited in independent claim 24". The Examiner respectfully disagrees with the Applicant because the above feature was not recited in the rejected claim 24.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Information on How to Contact USPTO

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh N Nguyen whose telephone number is (571) 272-2031. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Quyen Leung, can be reached on (571) 272-8188. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1000.

HNN

October 19, 2008

/Nguyen N Hanh/

Primary Examiner, Art Unit 2834